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September 11, 2023

DELIVERED VIA ECF

Honorable Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 18A
New York, New York 10007-1312

Case Title: *Elliot McGucken v. Lonely Planet Global, Inc., et al.*
1:23-cv-04293-ALC-SLC
Re: **Response to Defendant's Request for a Remote
Settlement Conference**

Your Honor:

This office represents Plaintiff, Elliot McGucken, in this matter. We write in response to Defendant's letter requesting that the settlement conference scheduled for October 4, 2023 be held remotely. The Court entered the Order setting the in-person settlement conference back on July 26, 2023. See **Dkt.** No. 40.

McGucken and his counsel have made arrangements to hold the conference in-person in compliance with the Court's Order. In this case in particular, given the conflict between Lonely Planet and the party responsible for providing it with the infringing content, which is indemnifying Lonely Planet, it will likely be more productive to hold the conference in person. Granting Lonely Planet's request – made more than a month after the conference was set – is likely to make the session less fruitful. That said, if Defendants are unable to otherwise attend the conference, McGucken is amenable to the request.¹

We thank Your Honor for your attention to this matter.

Respectfully submitted,

By:

Scott Alan Burroughs
DONIGER / BURROUGHS

¹ McGucken's counsel was unable to find any communications from Lonely Planet's counsel that contained a request to modify the Order so that the conference could be held remotely. To the contrary, the only communication seems to acknowledge the in-person nature of the conference. See **Ex. 1**. As such, this letter response is McGucken's counsel's first opportunity to respond to the request that the conference be held remotely.